**HONOURABLE SRI JUSTICKE R.SUBHASH REDDY**

**WRIT PETITION No.15242 of 2007**

**Dated 13th August, 2007**

**Between**

**Nallamilli Veereddy**

**….Petitioner**

**and**

**The State project director,**
**Sarva Siksha Abhiyan, Commissioner of School Education,**
**Hyderabad, and ors.**

**….Respondents**

**HONOURABLE SRI JUSTICKE R.SUBHASH REDDY**

**WRIT PETITION No.15242 of 2007**

**ORDER:**

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the respondents in not according permission for naming the Mandal Parishad Primary School (Main), situated at Arthamur village of Mandapeta Mandal in East Godavari District, as 'Sri Satya Bhaskara Mandal Parishad Primary School' as illegal ,arbitrary, and unjust and consequently direct the respondents to grant permission as prayed for.

The petitioner is the Sarpanch of Arthamur Gram Panchayat in Mandapeta Mandal of East Godavari District. There are more than one primary schools in the said village. One primary school, namely, Mandal Parishad Primary School (Main) was located in a dilapidated building consisting of four rooms and a Varandah. As such, alternative arrangement was made by shifting the class rooms of the said school to a building belonging to Lions Club of Arthamur village.

Sarva Siksha Abhiyan programme was launched in the East

Godavari District during the year 2001-2002, to provide and improve infrastructure for construction of new buildings and additional class rooms to primary and upper primary schools. In the above said scheme, the second respondent-District Collector in the capacity of Chairman of the Sarva Siksha Abhiyan sanctioned an amount of Rs.3,60,000/- to the Mandal Parishad Primary School (Main), at Arthamur village, vide proceedings Rc.No.4/SSA-8/2006, dated 8-4-2006, for construction of two additional class rooms. Further amount of Rs.1,75,000/- was sanctioned under the said scheme by proceedings Rc.NO.4/SSA-8/2006, dated 30-11-2006 to the said school for construction of one more class room. Further orders in proceedings Rc.No.4/SSA-8/2006, dated 14-12-2006 were issued sanctioning an amount of Rs.1,65,000/- for construction of one more class room. All together, administrative sanction was granted for Rs.7,00,000/- for construction of four class rooms. However, it is the case of the petitioner that as Sarpanch of Arthamur village, he is trying his best to improve literacy in the village and he had represented to the authorities that the sanction accorded is not sufficient to meet the infrastructure requirements of the school, as there are five classes, but however, the respondents expressed about dearth of funds, and, as such, he has offered Rs.2,10,000/- contribution towards 30% of the total estimated cost, with a request to name the school in the name of his paternal grand parents, as Sri Satya Bhaskara Mandal Parishad Primary School. It is stated that the said amount of Rs.2,10,000/- was deposited in the shape of Demand Draft in favour of the second respondent, on 6-2-2007. In response to the representation and deposit of Rs.2,10,000/- made in favour of the second respondent, the third respondent, the Additional Project Coordinator, Sarva Siksha Abhiyan, intimated the petitioner vide letter in RC.No.9/SSA-8/2007, dated 15-3-2007 that for naming of the school in the name of donor or nominee of the donor, the donor has to pay an amount of Rs.5,00,000/- towards contribution as per G.O.Ms.No. 162, School Education (MC-2)

Department, dated 14-11-2004. Thereafter, the petitioner offered further donation of Rs.2,90,000/- so that the total donation becomes Rs.5,00,000/- in terms of G.O.Ms.No. 162, dated 14-11-2004 and deposited the said amount by way of Demand Draft on 18-6-2007 and made further representation to consider his request for naming the school in the name of his paternal grand parents. It is the grievance of the petitioner that though he donated Rs.5,00,000/- as requested by the third respondent, for naming the school in the name of his maternal grand parents, but only on political considerations, such a permission is not accorded and hence the petitioner has come up with this Writ Petition.

Counter affidavit is filed by the third respondent. While narrating various orders issued by the Chairman, Sarva Siksha Abhiyan, from time to time, for construction of class rooms to the Mandal Parishad Primary School (Main), at Arthamur village, it is stated that the petitioner had initially deposited an amount of Rs.2,10,000/- on 6-2-2007, towards 30% of the total estimated cost of Rs.7,00,000/-, in the shape of Demand Draft drawn in favour of Collector & Chairman, Sarva Siksha Abhiyan, East Godavari District and requested for naming the school in the name of his maternal grand parents. It is stated that after the letter dated 15-3-2007 addressed to the petitioner by the third respondent, the petitioner deposited further an amount of Rs.2,90,000/- in the shape of Demand Draft, on 18-6-2007. In the counter affidavit, it is stated that as per G.O.Ms.No. 162, dated 14-11-2004, the amount has to be remitted in favour of the State Project Director, Sarva Siksha Abhiyan, Andhra Pradesh, Hyderabad, but the petitioner had remitted the amount in favour of the District Collector & Chairman, Sarva Siksha Abhiyan, East Godavari District. It is further stated that the same was informed to the petitioner so as to deposit the said amount in favour of State Project Director, Sarva Siksha Abhiyan, Andhra Pradesh, Hyderabad; but, in the meanwhile, another donor has

come forward to contribute the amount to name the school in the name of his parents. As such, it was decided to construct the school building with the Government funds, as two donors have come forward to contribute to the same building.

Heard Sri N.Siva Reddy, learned Counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents.

Though, the field of education in the State of Andhra Pradesh is mainly governed by the provisions of the A.P. Education Act, 1982 and statutory rules made thereunder, but, however, donation for improving infrastructure to the educational institutions and naming the institutions after the donors/philanthropists is governed by executive instructions issued by the Government in G.O.Ms.No. 162, School Education (MC-2) Department, dated 14-11-2004. While reviewing the earlier instructions issued in this regard,, the Government ordered in G.O.Ms.No. 162, School Education (MC-2) Department, dated 14-11-2004 that any Indian citizen/NRI, who comes forward to donate any asset, i.e., either land/building/money worth about Rs.5.00 lakhs for a primary school, Rs.7.5 lakhs for an Upper Primary School, and, Rs.10.00 lakhs for a High School, or, above, in favour of the Government of Andhra Pradesh for the purpose of setting up a school or renovating a school or providing necessary infrastructure to the school, the asset so created with the amount/building or land so donated shall be named after the individual donor or in any name proposed by him, provided that such name is acceptable to the Government. It is further ordered that donations below Rs.5.00 lakhs are permissible subject to certain conditions, but, the same is not relevant for the purpose of disposal of this Writ Petition.

In this case, it is not in dispute that the school, namely, Mandal Parishad Primay School (Main), situated at Arthamur village was

running in old building, which is in dilapidated condition and as such, administrative sanction orders are issued for construction of additional class rooms. In all, an amount of Rs.7.00 lakhs was sanctioned by the District Collector & Chairman, Sarva Siksha Abhiyan, East Godavari District for construction of additional class rooms to the said school. It is also not in dispute that at the first instance, the petitioner had deposited an amount of Rs.2.10 lakhs towards 30% of the total estimated cost by way of Demand Draft dated 6-2-2007. While offering donation of said amount, the petitioner had requested for naming the Mandal Parishad Primay School (Main), situated at Arthamur village in the name of his paternal grand parents, as Sri Satya Bhaskara Mandal Parishad Primary School. But however, when the petitioner was informed by the third respondent vide letter dated 15-3-2007 that a minimum deposit of Rs.5.00 lakhs has to be made to consider his request, the petitioner deposited the balance amount of Rs.2.90 lakhs. After depositing the said amount with the second respondent, the petitioner requested the respondents to consider his request for naming the said school in the name of his paternal grand parents. However, it appears from the counter affidavit and submissions made by the learned Government Pleader appearing for the respondents that primarily there are two objections to accede to the request of the petitioner. The first objection is that as per G.O.Ms.No. 162, dated 14-11-2004, for naming the school, the amount has to be deposited in favour of State Project Director, Sarva Siksha Abhiyan, Andhra Pradesh, but not in favour of the District Collector & Chairman, Sarva Siksha Abhiyan. But, the fact remains that the District Collectors are also the Chairmen of the Sarva Siksha Abhiyan in their respective districts and if the amount is donated to the District Collector & Chairman, Sarva Siksha Abhiyan, the said amount can be transmitted to the State Project Director, Sarva Siksha Abhiyan, Andhra Pradesh. For the said technical flaw, the respondents cannot deprive the benefit of G.O.Ms.No. 162, dated 14-11-2004 to the petitioner, in spite of

donating Rs.5.00 lakhs. The other objection, namely, another donor has come forward to donate the money for construction of class rooms to the very same school also does not appear to be valid ground to reject the request of the petitioner.

This Writ Petition was filed on 17-7-2007. It is stated by the learned Government Pleader appearing for the respondents that on 18-7-2007, there was a communication to the petitioner, refusing to receive his donation on the ground that there are two donors for the same purpose, and, as such, it was decided to make construction of the class rooms of the said school with the Government funds only.

Along with the counter affidavit, a copy of the letter alleged to have been addressed by one Sri Chinta Venkat Reddy, is enclosed, in which, he has shown his preparedness to donate Rs.5.00 lakhs and requested to name the school in his father's name. But, curiously, there is no date on it and it is not known on what date he had submitted the said representation. When the matter has come up on 24-7-2007, the learned Government Pleader was directed to produce records, and, accordingly he produced records. The said records contains the original letter stated to have been addressed by the said donor, namely, Sri Chinta Venkat Reddy. But curiously, there is an endorsement in writing on the said letter, which is not available on the copy of the same letter filed along with the counter affidavit to show that the said copy was received on 9-7-2007. So far as the petitioner is concerned, initially, he had deposited Rs.2.10 lakhs towards 30% of the total estimated cost on 6-2-2007, and, when he was informed by the third respondent, that minimum deposit of Rs.5.00 lakhs is to be made to consider the request for naming the school, the petitioner deposited further amount of Rs.2.90 lakhs on 18-6-2007. As such, the ground, namely, another donor has come forward to donate the amount of Rs.5.00 lakhs for the same purpose, appears to be a designed one, only to deprive the claim of the petitioner, who had in

fact deposited Rs.5.00 lakhs in two intervals. But, however, in terms of the orders dated 14-11-2004 in G.O.Ms.No. 162, the naming of the school is subject to approval of the Government, and, merely because the petitioner deposited Rs.5.00 lakhs, no positive direction for naming the school in the name of the paternal grand parents of the petitioner can be given in this Writ Petition.

In the above circumstances, I deem it appropriate to dispose of the Writ Petition with the following directions.

1. The amount of Rs.5.00 lakhs deposited by the petitioner before the second respondent by way of Demand Drafts shall be transferred to the account of the State Project Director, Sarva Sikhsa Abhiyan, Andhra Pradesh, Hyderabad. If the said amount is already refunded to the petitioner as on today, the petitioner is permitted to deposit the said amount in favour of the State Project Director, Sarva Sikhsa Abhiyan, Andhra Pradesh, Hyderabad, within a period of four weeks from today.
2. Upon such transfer/deposit of Rs.5.00 lakhs to the account of the State Project Director, Sarva Sikhsa Abhiyan, Andhra Pradesh, Hyderabad, the respondents shall consider the request of the petitioner for naming the Mandal Parishad Primary School (Main) situated in Arthamur Village, Mandapeta Mandal of East Godavari District, in the name of the petitioner's maternal grand parents, in accordance with G.O.Ms.No. 162, dated 14-11-2004. However, such consideration shall be without reference to any other application offering donation for the same purpose.
3. Till appropriate orders are passed as per the directions of this Court, the school shall continue to function only in the name of Mandal Parishad Primary School (Main), Arthamur Village, Mandapeta Mandal, East Godavari District.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

---

*JUSTICE R. SUBHASH REDDY*

DATED: 13th August, 2007.
Msnr.